

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY FREEMAN	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-05-1067-HE
	)	
EDWARD L. EVANS,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Anthony Freeman, a state prisoner appearing *pro se*, instituted this action pursuant to 28 U.S.C. § 2241 seeking a writ of habeas corpus. The petitioner challenges a prison disciplinary conviction, seeking the reinstatement of earned credits. He claims he was denied due process in conjunction with the disciplinary proceedings. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Bana Roberts, who has recommended that the petition be denied.<sup>1</sup>

The petitioner failed to object to the Report and Recommendation and, accordingly, waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). The court also has considered the merits of the petitioner's constitutional claim and concurs with the Magistrate Judge's analysis.

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<sup>1</sup> *Although the respondent asserted that the petition should be dismissed on grounds of lack of exhaustion or untimeliness, the magistrate judge recommended that the petition be denied on the merits.*

Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation and **DENIES** the petition for writ of habeas corpus.

**IT IS SO ORDERED.**

Dated this 11<sup>th</sup> day of Dec., 2006.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE